

Appl. No. 10/777,009
Docket No. T-732 (Z-03416)
Amdt. dated June 29, 2006
Reply to Office Action mailed on April 5, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 7 and 14-31 have been canceled without prejudice. Independent claim 1 has been amended to include the feature recited in original claim 7, and therefore, the amendment does not raise a new issue for consideration after a final rejection. Claims 1-6, 8-13, and 32 accordingly are presented for review.

Rejection Under 35 USC §103

Claims 1-13 and 32 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,587,156 (hereinafter "Wdowik") in view of PCT Published Patent Application No. WO 02/087519 (hereinafter "Dodd"). Applicants respectfully traverse.

Independent claim 1 has been amended to recite a method of shaving comprising applying a shaving composition that comprises, *inter alia*, water-insoluble lubricating polymer particles comprising polytetrafluoroethylene, and a water soluble polymer, the lubricating polymer particles and water soluble polymer being present in a ratio of about 0.1:1 to about 10:1, and the polymer particles having an average particle size of from about 1 μ m to 100 μ m.

As discussed throughout the as-filed specification, Applicants discovered that the combination of water-insoluble lubricating polymer particles and a water soluble polymer provide improved razor *glide and lubricity*, as noted, for example, by the following excerpts:

Preferred shaving compositions include a lubricating agent containing polymer particles that include PTFE, and one or more water soluble polymer(s). Preferred shaving compositions exhibit excellent lubricity and glide . . . (page 4, lines 6-8).

* * *

Suitable PTFE-containing polymer particles, when incorporated in a shaving preparation, will reduce the measured coefficient of friction between the razor cartridge and the user's skin, as

Page 4 of 7

Appl. No. 10/777,009
Docket No. T-732 (Z-03416)
Amdt. dated June 29, 2006
Reply to Office Action mailed on April 5, 2006
Customer No. 27752

compared to the coefficient of friction that would be obtained when using the same shaving preparation without the polymer particles (page 4, lines 12-15).

* * *

Any water soluble polymer or polymer combination may be utilized which, when used in combination with the PTFE particles, reduces the coefficient of friction of the shaving composition relative to the coefficient of friction of the shaving composition without the water soluble polymer(s) (page 5, lines 12-15).

Wdowik discloses the incorporation of particulate additives into shaving compositions to provide three specific benefits: 1) microscopic support to the razor blade; 2) to extract hair away from its follicle prior to the blade cutting the hair; and 3) removal of dirt, oils, stains, and dead skin cells, foreign materials, irregular skin surface, and dead cells. *See, e.g., column 4, lines 15-36. Notably absent from the Wdowik list is the benefit of lubricity and glide.*

Dodd discloses shaving compositions containing highly lubricious water soluble polymers. Dodd does not however, disclose the use of water insoluble particles.

Applicants submit that there is no motivation or suggestion to combine the teachings of Wdowik and Dodd for the development of a shaving composition having improved lubricity and glide. One of ordinary skill in the art would not look to Wdowik to build upon the lubricous features taught by Dodd since Wdowik's specific list of beneficial effects flowing from the insoluble particulate additives is silent with respect to lubricity and glide, particularly in view of Wdowik's statement, in the Background of the Invention Section, that "the thought of including solid, insoluble particles in shaving compositions might appear to be offensive and counter-intuitive for a material which is applied to the face." *See, column 2, lines 52-55.* Thus, Applicants submit that there is no motivation or suggestion from Wdowik and Dodd to combine water soluble polymers and water insoluble particulate additives to create a shaving composition having improved lubricity and glide.

Furthermore, amended claim 1 recites a particular ratio of lubricating polymer particles to the water soluble polymer, and a particular average particle size of the lubricating polymer particles to impart such improved lubricity and glide (*see also, the*

Appl. No. 10/777.009
Docket No. T-732 (Z-03416)
Amdt. dated June 29, 2006
Reply to Office Action mailed on April 5, 2006
Customer No. 27752

as-filed specification on page 7, lines 12-13 and page 4, lines 17-18). These recited features are neither taught nor suggested by the references (Wdowik and Dodd) taken alone or in combination.

Regarding the recited ratio of lubricating polymer particles to the water soluble polymer, the Examiner states that "[b]ased on the 0.1% to about 20% by weight of insoluble polymers advanced in '156 [Wdowik], it is the examiner's position that one of ordinary skill in the art at the time the invention was made would have the ability to modify the amount of water insoluble particles such that the ratio of water soluble polymer and water insoluble particles are within the range of the instant claims 1 and 4 . . . This is because the amount of water insoluble polymers can be varied from 0.1% to about 20% based on particular application so long as the particles are present in an amount capable of providing support for a razor blade." Applicants first respond by noting that, as the examiner states, the range of particulate incorporation is for blade support, and not for lubricity and glide—this distinction is discussed more fully above. Applicants respond further by pointing out that Wdowik discloses a broader range of particulate incorporation than that cited by the examiner—less than 0.1% to even as high as 90% or greater (*see* column 3, lines 36-40)—and that this extremely broad range of incorporation provides no guidance whatsoever to the skilled artisan for combining with water soluble polymers in a particular ratio for providing improved lubricity and glide.

In view of the foregoing, Applicants respectfully submit that amended claim 1 and the claims depending therefrom are patentably distinct from the combined disclosures of Wdowik and Dodd.

Independent claim 32 is directed to a method of shaving comprising applying to an area of skin a shaving composition and shaving said area of skin, wherein the shaving composition comprises an aqueous solution including a cleansing or conditioning agent for hair or skin, from about 0.005% to 2% of water-insoluble lubricating polymer particles comprising polytetrafluoroethylene, and a water soluble polymer, the shaving composition being substantially free of anionic polymers. As noted above, Applicants submit that there is no motivation or suggestion from Wdowik and Dodd to combine water soluble polymers and water insoluble particulate additives to create a shaving composition having improved lubricity and glide. In addition, the references fail to explicitly teach or suggest a shaving composition that is substantially

Appl. No. 10/777,009
Docket No. T-732 (Z-03416)
Amdt. dated June 29, 2006
Reply to Office Action mailed on April 5, 2006
Customer No. 27752

free of anionic polymers. The Examiner states that "[b]ased on claims 1-8 [of Wdowik], it is the examiner's position that the composition is substantially free of anionic polymers. Applicants respectfully submit that claims 1-8 of Wdowik are completely silent with respect to any negative limitation, including the particular negative limitation of being "substantially free of anionic polymers", as is recited in claim 32. In view of this, Applicants respectfully submit that a prima facie case of obviousness has not been established, and that the rejection of claim 32 should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the Section 103 rejection. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of claims 1-6, 8-13 and 32 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

Andrew J. Hagerly

Typed or Printed Name

Registration No. 44,141

(513) 626-0051

Date: June 29, 2006
Customer No. 27752